

REMARKS

Claims 26-33 are pending in this application. Claims 18-25 have been canceled and Claims 26-33 have been added. The new claims merely state that the carpet pile substrate requires polyester fibers as essential components and that the rubber backing sheet and carpet pile substrate are integrated together during vulcanization of the sheet itself. Such limitations are found at least within the examples. No new matter has been added. Entry and due consideration of these amendments are therefore earnestly solicited.

The Office has rejected Claims 18, 20, 22, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over European Patent 702,969 to Kerr ("Kerr") in view of Heine et al. and in further view of Nagahama et al., as well as Claim 19 over the same combination of references above and further in view of Burke et al., and Claims 21 and 25 in view of the same combination as applied to Claims 18 and 23 and in further view of Hallworth.

Applicants have obtained proper declaratory evidence as requested by the Office in furtherance of the patentability thereof this claimed invention and will supply such under separate cover as soon as possible. Such evidence shows the problems with utilizing all propylene carpet pile substrates within vulcanized rubber backing sheet-containing floor mats wherein the pile substrate and backing sheet are integrated together during such a vulcanization step. In essence, the polypropylene backing sheets of Heine et al. (being the only ones specifically disclosed exhibiting the same weight range as now claimed) do not provide any beneficial results within such vulcanized floor mats. Heine et al. clearly do not teach vulcanized rubber backing sheets as now required, but are limited to vinyl

plastisol types that are applied through relatively low-temperature hot air exposure

procedures. As such, and, in Applicants' collective opinion, without need for any declaratory evidence, it is respectfully submitted that there is no proper motivation provided within the cited prior art to produce the same floor mats as now claimed.

Nagahama et al. fails to teach the same weight range for carpet pile substrates, let alone any selected shrinkage rate range, only that a match between pile substrate and rubber backing sheet is preferable for rippling reduction. The selection of specific shrinkage rate ranges by Applicants is not met by this teaching, nor is there any suggestion from Nagahama et al. that a heavier weight carpet pile substrate (only 100 g/m² or 3.2 ounces per square yard is disclosed) is utilized for their floor mat articles. Kerr prefers all polypropylene, as do Heine et al., as noted above. Thus, the Office relies upon polypropylene carpet pile substrates to find support that selecting heavier carpet pile substrates for Nagahama et al.'s vulcanized floor mat articles, limited to light polyester types, is obvious. Polypropylene, however, cannot withstand the vulcanization steps involved without resulting in extensive rippling after laundering and extensive delamination of the pile fibers from the pile substrate. The polypropylene pile substrate, in essence, with lose its resiliency and melt during exposure to vulcanization temperatures, resulting in the poor characteristics noted above. There is no reason for the ordinarily skilled artisan to review a non-vulcanized floor mat teaching to determine the optimum weight range for polyester pile substrates within such articles unless there has been an exercise of improper hindsight reconstruction of Applicants' own teachings. Such appears to be the situation here. There is no teaching or suggestion within Heine et

al. that a high weight range is proper for polyester pile substrates within vulcanized floor

mat articles, only that such a substrate is functional for vinyl plastisol backing sheets in floor covering articles not subjected to vulcanization temperatures during production.

Applicants determined the optimum weight range, the optimum fiber-type for the pile substrate, the optimum shrinkage rate range for such a substrate, all coupled with the proper selection of rubber backing sheet materials for low-shrinkage rate ranges similar to those of the substrate or of sufficiently high modulus strength to provide low rippling after laundering, as well as low delamination levels. Thus, it is respectfully submitted that the combination of references are improperly applied by the Office to provide an obviousness-based rejection over the pending claims. Furthermore, since the rejections including Burke, III et al. and Hallworth et al. rely upon this improper combination of references, it is respectfully submitted that such bases of rejection are improper as well. Applicants earnestly solicit reconsideration and withdrawal of such rejections as a result.

CONCLUSION

In view of all of the previous amendments and arguments, it is respectfully requested that the preceding amendments and remarks be entered and duly considered, all of the prior rejections of the present claims be withdrawn, and this application be passed on to issue.

Respectfully submitted,

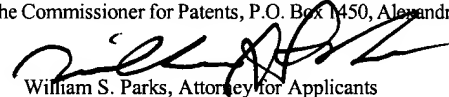
August 12, 2003



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